

Date: August 16, 2004TO: FCC Media Bureau
From: Jamey Schmitz, CEO, WLMB-TV 40 Toledo
RE: Proceeding 04-232

WLMB-TV 40 is a religious broadcaster serving the Toledo, Ohio DMA. While as a religious broadcaster WLMB would naturally be concerned about obscene and indecent programming over the public airwaves, I do not believe that the requirement for all broadcast stations to record programs for a period of time is a good idea. As a possible solution though, I would suggest that logging/recording requirements would only be put into place once a broadcaster (using the existing rules) has been found guilty of an obscenity or indecency charge. Broadcasters that air obscene or indecent programming could be required from that point in time to record programming for 60 days so future violations can be more easily established. The answer should not be to impose expensive (in both equipment and labor costs) on broadcasters who have not and are extremely highly unlikely to broadcast obscene or indecent programming (like religious broadcasters). By actually implementing the existing rules, this would quickly sort out those broadcasters who allow obscene or indecent programming to be broadcast throughout their DMA from those that don't. Those that are found to be guilty should have to comply with rules that would require them to keep a record of what they have aired. But the stations, that have been responsible in not airing obscene and indecent programming should not carry a huge burden because of those who are flippant with their use of the public spectrum. I believe the above suggestion would go a long way in curbing broadcasting that is obscene and indecent without penalizing those broadcasters who have always broadcast programming that clearly falls within the FCC's existing obscenity and indecency rules.

Sincerely for Christian Television,

Jamey Richard Schmitz
CEO, WLMB-TV 40 Toledo

P.S. WLMB-TV 40 was named the NRB (National Religious Broadcasters) TV Station Of the Year for 2004.